

3

THIRD ANNUAL REPORT
OF
WILLIAM J. MULLEN,
PRISON AGENT,
AS AUTHORIZED TO BE PUBLISHED BY
THE PHILADELPHIA SOCIETY FOR ALLEVIATING THE MISERIES
OF
PUBLIC PRISONS.
INSTITUTED 1797.

PHILADELPHIA,
JANUARY 1, 1857.

OFFICERS OF THE SOCIETY.

PRESIDENT—JAMES J. BARCLAY.

VICE-PRESIDENTS—TOWNSEND SHARPLESS, WILLIAM SHIPPEN, M. D.

SECRETARIES—WILLIAM PARKER FOULKE, EDWARD TOWNSEND.

TREASURER—HORATIO C. WOOD.


COUNSELLORS—HENRY J. WILLIAMS, N. B. BROWN.

MEMBERS OF THE ACTING COMMITTEE—Charles Ellis, Jeremiah Hacker, William S. Perot, Henry M. Zollikoffer, Joshua T. Jeanes, Thomas Latimer, John M. Wetherill, M. W. Baldwin, John J. Lytle, Benjamin J. Crew, William U. Ditzler, Paul T. Jones, Samuel Caley, Richard Williams, Benjamin H. Pitfield, William Bettie, Abram C. Brown, Jeremiah C. Chance, Abram Ritter, Jr., L. Montgomery Bond, John Horton, Isaac Barton, Uriah Hunt, Thomas P. Stotesbury, George W. Childs, William L. Edwards, Theodore Trewendt, George Vaux, Benjamin Coates, Wistar Morris, Thomas J. Husband, Charles Robb, Dr. George H. Burgin, Henry Palmer, Samuel S. Richie, Frederick A. Packard and E. H. Bonsall.

VISITING COMMITTEE OF THE EASTERN PENITENTIARY.—Townsend Sharpless, Edward Townsend, Horatio C. Wood, Joshua T. Jeanes, M. W. Baldwin, Joshua L. Baily, John J. Lytle, Benjamin J. Crew, Samuel Caley, Richard Williams, William Bettie, Abram C. Brown, Jeremiah C. Chance, Abram Ritter, Jr., L. Montgomery Bond, Isaac Barton, Uriah Hunt, Thomas P. Stotesbury, George W. Childs, William L. Edwards, Theodore Trewendt and Samuel S. Richie.

VISITING COMMITTEE OF THE COUNTY PRISON.—William S. Perot, William Shippen, M. D., Charles Ellis, Jeremiah Hacker, H. M. Zollikoffer, Thomas Latimer, John M. Wetherill, William U. Ditzler, Benjamin H. Pitfield, John Horton, Wistar Morris, Charles Robb, Dr. George H. Burgin and Oliver Evans.

JARED CRAIG, PRINTER, 116 CHESTNUT STREET,
1857.



Digitized by the Internet Archive
in 2017 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

PHILADELPHIA, JANUARY 1, 1857.

WILLIAM S. PEROT,

Chairman of the Acting Committee on County Prison.

RESPECTED SIR:

In obedience to a resolution passed by your Committee, January 6th, 1854, your Agent submits, through you, to the "Philadelphia Society for Alleviating the Miseries of Public Prisons," his Third Annual Report.

He would remark, by way of preliminary, that the opposition which previously prevailed in some degree to the Agency itself, on the alleged grounds of its being "superfluous," and "interfering with the regular administration of justice," seems, at present, to have scarcely any existence. This may, in a great measure, be attributed to the fact that the subject was fully discussed by the City Councils, and the merits of the office thoroughly investigated, as may be seen by the proceedings of that body at the time. When a vote was taken, it was almost unanimous in favour of the Agency. It is generally admitted to be a source of benefit, both pecuniary and moral, alike to the prisoners and those connected with them, and to the community at large. It seems to have been so considered, at least, by the Inspectors, who have unanimously re-elected your Agent.

Your Agent would fain hope, that his labours for the past year have been such as to deepen the convictions, in the minds of all intelligent persons, of the necessity of the Agency for relieving the innocent, who are daily committed to Prison.

During the last twelve months, I have been instrumental, with the co-operation of the proper authorities, in releasing *one thousand three hundred and one persons*. Of this number, there were but about one in thirty that returned to Prison, and were helped the second time. Nearly all of these were Court cases. My reasons for attempting their liberation were, that in many cases, I discovered them to be rather victims than criminals, as the complaints causing their arrest were made by persons both drunken and malig-

nant; while, in the rest, the charges were such, that their further confinement was neither demanded by justice, nor compatible with it.

In confirmation of the importance of the office held by your Agent, let it be considered, how much of both suffering and expense has been saved, by the release of these prisoners, to them and their families, as also how large is the sum thus saved to the Public.

The saving to the Public Treasury, in the item of food, which these persons would have consumed while in Prison, has been \$4,897.38; and in costs, which might have been required to be paid, had the cases come to trial, \$9,377.00; the amount expended for their release being only \$181.58, a portion of which was given by the prisoners themselves, and the balance by the Society. The amount of suffering which would have been endured by the prisoners during this long period, arising from the tedium of confinement, the sense of disgrace, anxiety for their families, impaired health, &c., we have no means of estimating. And as little can we tell the sufferings of their families, from the causes involved in such cases, to say nothing of what is suffered from want by many households, thus suddenly bereft of their main support. All this we must leave to the imaginations of the humane and sympathetic.

It appears, moreover, from the records, that out of the large number arrested and committed, not one in thirty-seven was convicted on trial.

Let the reader, then, form some vague conception at least, of the miseries endured by this additional number of prisoners during their incarceration, as well as by their innocent families, and of the enormous depletion of the public purse by the cost of their maintenance and trial.

It is worthy, too, of serious consideration, how much moral injury is liable to be done, by imprisonment, to the individuals concerned, especially if they are innocent, or if their offence is trifling, or if they are committed for the first time; and how much the peace and prosperity of society at large are endangered by this deterioration, and vindictive desperation of its members.

But how may we account for the fact, alike disgraceful and strange, that so many thousands are, during the year, arrested and committed to Prison, while, on being tried in Court, not one in thirty-seven of them is found guilty and convicted?

The evil must be ascribed to three several parties, i. e., the complainants or prosecutors, the arresting officers, and the committing magistrates. The first of these are often impelled by momentary anger and sometimes by malice, while the last two are, in most instances, chargeable with haste and the want of due consideration.

We would here say, that the whole amount of money paid into the Treasury, during the year, by all the Alderman of our City, is but \$3,467.45, as follows:

“FINES AND PENALTIES.—First Ward, Wm. Allen, \$12.25; Third, R. T. Carter, \$44.68; Samuel F. Flood, \$71.46; Fourth, Abraham McGarry, \$356.52; and George Moore, \$395.34; Seventh, John Coulter, \$178.86; Eighth, Wm. Ogle, \$70.93; Ninth, John Thompson, \$265.17; Tenth, W. H. Hibbard, \$20.67; and Jacob Snyder, \$362.74; Eleventh, John G. Wolf, \$11.17; and Jacob B. Coates, \$505.18; Twelfth, S. L. Clement, \$185.35; Thirteenth, W. K. Butler, \$43.50; Fourteenth, Wm. G. Conrow, \$2; and A. J. Boswell, \$7.67; Fifteenth, A. Martin, \$13.57; and F. W. Binder, \$17; Sixteenth, A. H. Shoemaker, \$22; and F. Reel, \$24.93; Seventeenth, J. Devlin, \$177.39; and Hugh Clark, \$18.02; Eighteenth, John Clouds, \$62.90; Nineteenth, J. M. Cathers, \$182.60; Jas. Tagert, \$73.89; E. G. Megonegal, \$100.57; Twentieth, Wm. Shane, \$45.60; and T. H. Palmer, \$115.33; Twenty-first, J. B. Gibson, \$14.60; Twenty-second, \$8.14; Twenty-third, F. McConaghy, \$17.28; A. A. Gregg, \$29.33; Thos. Helveston, \$8; Joseph Boucher, \$1.34; Israel Elliott, \$65; Twenty-fourth, B. F. Warren, \$3.33; Simon Goodman, \$5.37; Jos. G. Miller, \$71.67; Thos. J. Watson, \$30.97; James Hudson, \$12.33; J. W. Bartram, \$5; and James Allen, \$8. Making a total of \$3,467.45.”—*From the City Treasurer's Report, as published in the Daily Papers.*

In view of the within-named facts, no wonder they should be pronounced outrages against the Law. They are not less outrages against common decency, and the plainest precepts of morality and religion.

That such views exist, is proved not only by the presentments of each Grand Jury, and what we often hear in conversation, but by the not unfrequent language of the Press. As an example of the latter, I give the following editorial article from the “Sunday Dispatch,” of this City.

“OUR ALDERMEN.—It is a great pity that so little attention is paid to the character of the persons elected in the various Wards to be Al-

dermen. While it is universally admitted that some of those officers are honest, intelligent and impartial, it is too true that others are dishonest, ignorant and prejudiced. The office is too much connected with politics, and, as it is a prize which is accessible to the lowest of Ward politicians, there can be no wonder that it has become in a great measure degraded. We say it is degraded, because in instances constantly occurring before the Courts, and in the administration of justice, it appears that many Aldermen discharge their duties with no desire for the good of the public, but merely to minister to their personal profit. Our prisons are dismal with the groans of wretches committed by Aldermen upon insufficient cause, and for the sole purpose of extorting fees from them. The law requiring returns of all cases of binding over to the District Attorney is neglected; and often persons are discovered to be in Prison, against whom commitments have been issued which justify the officers of the institution in holding them, but the records of which have not been furnished the prosecuting officer. At the present term, no less than twenty-five or thirty of such cases have been discovered by the Judges, the parties remaining in Prison, but the District Attorney being entirely ignorant of the fact in consequence of the shameful neglect of the Aldermen who imprisoned them. There seems to be but one feasible remedy for this description of wrong! Too much respect has hitherto been paid to Aldermen and Justices. They have been treated as if they could do no wrong; and the presumption always is, in actions against them for mal-administration, that they were right and their accusers to blame. Under such a theory, impunity has been accorded to such magistrates, which has encouraged the venal men elected in many Wards to use their offices as if their only task was to make them profitable to themselves. The divinity which has so long hedged in the actions of these officers must be dissipated. They must be exposed to proper penalties in case of misdoing, and be subject to actions of damages as other citizens are, without the necessity of precise notice, as directed by the acts in relation to such suits. In reference to persons imprisoned for criminal offences, whose cases are not properly represented to the District Attorney, there should be a plain, straight-forward remedy for the aggrieved. The failure of an Alderman to return a transcript to the District Attorney in proper time, should not only be the subject of a prompt and disembarassed action for damages, but an indictment with imprisonment in case of conviction, should menace with equal hostility. The administration of justice should be purified from those abuses which now so painfully disfigure its preliminary action."

The matter in question may be still further illustrated by the following facts.

From the proceedings of Councils of June 20th, 1856, we find the following in Common Council:

“Resolved, That a committee of twelve be appointed to examine the Criminal Docket of each Alderman and Justice of the Peace of the City, to ascertain the number of arrests made since the 21st day of April, 1855, and what costs have been paid to the Aldermen; and what fines and forfeits have been paid since June 12th, 1854. The said committee to divide themselves into sub-committees of not less than three, with power to send for persons and papers, to report to Councils the facts and evidence taken.

“Mr. O'Neill said,—Sir, the Police is the most expensive Department of our City government, and since June 12th, 1854, has cost the Public upwards of one million dollars. We have paid upwards of \$20,000 to Police Magistrates alone, which is money thrown away. It is well known to every person conversant with the administration of criminal law, that it is always the practice of the Aldermen to charge at least 96 cents at the issuing of a warrant; this sum is paid by complainants; also, defendants who enter bail pay 20 cents, and nine-tenths pay an additional 44 cents, the cost of a commitment which is issued if the bail is not in the room the moment it is demanded. It is surprising that we should tax the people to pay Police Magistrates, when many of the Aldermen pay Police officers for making arrests, and bringing the prisoners to their office, which is in violation of the law. The Aldermen are authorized to collect the costs for the use of the City, and it is now our duty, as representatives of the people, to protect them against the violation of the laws, especially by these officials. There are in the City of Philadelphia, upwards of fifty Aldermen or Justices of the Peace, many of whom issue upwards of one thousand State warrants yearly, but the average at the least estimate, is four hundred warrants and arrests for each Alderman. On each of these there is paid to the Alderman, for the warrant, arrest and bail, the sum of one dollar and sixteen cents; therefore fifty Aldermen, at an average of 400 warrants, in all 20,000, at \$1.16 per case, amounts to the sum of \$23,600 per year, and all of which under the Act of Assembly, passed April 21st, 1855, entitled ‘a Supplement to the Act Consolidating the City of Philadelphia,’ is collected for the use of the City, and should have been paid into the Treasury from the 21st day of April, 1855, when the law went into effect, to June 1st, 1856. There is at least the sum of \$25,000 illegally retained

by the Aldermen of the City, except the small sum of \$2,777.75 which has been paid by the following named Aldermen, to wit:

“CONTROLLER’S OFFICE, }
“Philadelphia, June 17th, 1856.” }

“The following embraces a list of all such Aldermen as have made returns to this office, of fines and penalties in their hands, belonging to the City of Philadelphia:

WARDS.	NAMES.	1854	1855	1856	TOTAL.
1st.	Thomas Dallas, - - -		\$24 42		\$24 42
5th.	James B. Kenney, - - -		113 05		113 05
8th.	William Ogle, - - -		213 07	\$34 80	247 87
9th.	John Thompson, - - -			114 50	114 50
10th.	Jacob Snyder, - - -		115 89	238 26	354 15
11th.	J. B. Coats, - - -			262 18	262 18
11th.	John G. Wolf, - - -		27 04	5 43	32 47
12th.	G. Erety, (late Alderman,) -		9 67		9 67
12th.	William P. Hibbard, - - -			12 00	12 00
12th.	Samuel L. Clement, - - -		13 38	73 00	86 38
13th.	William H. Butler, - - -			43 50	43 50
14th.	A. J. Boswell, - - -			7 67	7 67
14th.	William G. Conrow, - - -		200 01		200 01
15th.	John Henry, - - -		26 12		26 12
16th.	A. H. Shoemaker, - - -		68 75	22 00	90 75
16th.	Frederick Reel, - - -			15 18	15 18
17th.	James Bell, - - -		140 00		140 00
18th.	John Clouds, - - -		17 00	12 96	29 96
19th.	James Taggart, - - -		382 78	58 06	440 84
20th.	T. Hope Palmer, - - -			88 93	88 93
21st.	Moses Miller, - - -			212 64	212 64
22d.	Edward R. Williams, - - -		72 67		72 67
23d.	Amos A. Gregg, - - -	\$12 06	60 01	20 65	92 72
24th.	T. J. Watson, - - -			5 00	5 00
24th.	James Allen, - - -		7 50		7 50
24th.	J. W. Bartram, - - -		2 00		2 00
24th.	Joseph G. Miller, - - -		30 00	10 62	40 62
		\$12 06	\$1,528 41	\$1,237 28	\$2,777 75

“Of this I am satisfied that not one cent is costs, and there is no doubt that there has been a much larger sum collected by the Aldermen from persons for violation of the various ordinances of the City.

“The Aldermen cannot have any objections to the investigation, if they have kept a record of fines and costs paid as the law requires them to do. Their accounts can be settled by the committee, and the people will know whether the fines and costs have been collected for the benefit of the public or Aldermen.

“The resolution was unanimously adopted.”

From the proceedings of City Councils, as published in the public papers of Dec. 18th, 1856, I perceive, that out of the 73 Aldermen of Philadelphia, 22 only have paid any money into the City Treasury since May last. The whole amount paid by them to the Treasurer, is but \$3,149.78 for fines and penalties; the \$1,743.31, reported to the Comptroller, as received for costs, having been retained and not paid over by them;—making in all \$4,893.09, which they admit having received.

I have obtained from the City Treasurer, a list of the names of all the Aldermen who have paid over any monies during the last month. It there appears that some of those who have done the heaviest business, have made no payments. The Police Aldermen are entitled to \$500 per year each for their services. The sum they *say* they received, including that paid over to the Treasurer, is not sufficient, by several thousand dollars, to pay their salaries. The whole system seems to be radically wrong. If, during the coming session, some additional legislation could be obtained from the Legislature, which would completely change the system, by giving to the committing magistrates a fixed salary, competent to their support, while, at the same time, depriving them of receiving fees from any source whatever, placing them on the same footing, in this respect, with the Judges of our Courts, the evils, so loudly and extensively complained of, would, we believe, disappear, and the business of the office be legitimate. There would then be comparatively few unjustly committed, and the Prison would be large enough to accommodate all who might be sent thither. This might be remedied by having a Police Court of Magistrates to meet in the Prison daily and dispose of petty cases.

If, upon investigation, the Legislature should think it proper that fees should be paid by the offenders, they certainly should be paid directly to the City Treasurer, or else to some uninterested party appointed by law to receive them.

I know, from personal experience and observation, that there is an absolute necessity for some such legislation. Let this be effected, and I feel confident, that not one-half the number will be annually sent to Prison, or anything like that number found guilty.

This would, in my opinion, put an end to the system of improperly committing persons for the sake of costs, which now exists.

By such an arrangement, the ends of justice would be quite as well secured, and perhaps far better, at a quarter the cost. The enormous amount of money now paid annually to support innocent people in Prison, and the expense of trying them would be saved, and the morals of the community still be protected.

In corroboration of the above views, we give the following extract from the Report of the Grand Jury, and the remarks of Judge Thompson, as taken from the "Daily Morning Times."

"To the Honorable, the Judges of the Court of Quarter Sessions of the County of Philadelphia:

"The Grand Inquest for the City and County of Philadelphia, October Term, 1856, respectfully present:—That they have acted upon 476 bills; of which have been found 277 true bills, and 199 ignored.

"Many of the cases were of the most trivial character; and notwithstanding a large number of the defendants were in the County Prison, no witnesses could be procured against them, and the Inquest were obliged to ignore the bills.

"A considerable portion of the bills were for assaults and batteries, while some of these cases were of an aggravated character; much the largest portion of the bills ought not, in the opinion of the Inquest, to have found their way to the Court at all; as many of the persons returned, as prosecutors, totally disclaimed making any such charge, or had no desire to prosecute the cases. The Inquest are forced to the conclusion, that very many of these cases are returned solely for the purpose of accumulating costs for the Aldermen. The defendants being too poor to pay costs, or too little known to give bail, are suffered to remain in Prison, until relieved by the Grand Jury ignoring their bills, and saddling the County with the expense of the cause."

"After they had handed in their presentment, Judge Thompson remarked, in reply, as follows:

"Gentlemen of the Grand Jury—

"We have read your presentment, and are satisfied with the propriety of your suggestions. The matters you referred to, relative to the trifling cases returned to this Court, as also the number of persons confined in the County Prison, where no returns are made or prosecutors found, are matters that have weighed heavily upon the minds of the Court. We have frequently called the attention of former Grand Juries to this matter.

"There seems to be no remedy with us. I have had, during this term, a number of cases examined, and found some 25 or 30 in which

the parties have been kept in Prison, where no returns have been made, and where the Magistrates seem to have entirely forgotten the existence of the parties, though imprisoned by themselves.

“This is a gross evil, and one which strikes at the very foundation of criminal justice. We have attempted to remedy this, but without much success. Within two years an Act of Assembly has been passed, requiring the Magistrates to make their returns to the District Attorney ten days before the commencement of the term; but this has been utterly disregarded, and nothing is left but to instruct the District Attorney to take this matter in hand, and compel compliance with the law.”

A question, which is often asked, is of such momentous importance, that it cannot be pressed too often. It is the question, What becomes of the discharged convicts, when sent forth from the Prison into the world? In most cases, they have neither home nor friends to receive them—they have no resources—and who will furnish employment to one branded with the opprobrious epithets of “jail-bird” and “prison-graduate?” If he is honest enough to state frankly what he has been, his applications for work are rejected at once, most likely with indignation and insult. If, concealing his past, he has obtained employment, and won the favour of his employer by faithful and skilful service, however prolonged, he is almost sure to be betrayed by the first one he meets who knows his history; or his exposure is threatened if he does not instantly quit the place. I could cite many such cases, in which Christian benevolence and even common humanity seem to be wanting in the respectable part of the community. All, however, are familiar with the fact.

Now what are persons to do, who are thus denied honest employment, and driven ignominiously from all decent society? As men will not starve, they are compelled to get food dishonestly, if they cannot honestly;—as they will not live alone, they herd with the depraved, if no others will associate with them,—and that men, thus stigmatized, outlawed and driven to despair, will drown their woes in “drink,” is all but inevitable. Under all these circumstances, that such forlorn, forsaken beings, should again fall into the grasp of the law, and again become inmates of the Prison-cell, is precisely what must be expected. Any other result would be an exception to the usual course of events. The Prison is what society, by its management, has doomed to be their home. Such persons, of all hu-

man beings, most need a home, employment, just treatment, and a practical oblivion of their past, while they are being fairly tested, as they have paid the full penalty of the law. All, that I could do for them, has been done, and during the past year, I have procured places and employment for 212 persons, of whom a large portion were discharged convicts. What has become of the remainder, who have not been thus aided, must be left to conjecture. That a most important subject here appeals to the humane sympathies and Christian philanthropy of this Society, and of the community at large, is evident at a glance. To those, who profess to be followers of Him, who was emphatically the "friend of the publican and sinner," and of the "prisoner," this class of persons present a claim, to reject or to neglect which, is, in my view, high-treason to the acknowledged principles of Christianity.

Your Agent would respectfully ask you to use your influence to effect the establishment of a House of Correction as speedily as possible, for the numerous vagrants and drunkards who compose the largest portion of all that are committed to Prison. At present, if left at large, they are a burden to the community, and a source of disorder to our City. When sent to Prison or to the Almshouse, they are attended with a large expense and no profit to the Public, which ought not to be the case. But in a House of Correction, they might be put to regular employment, by which they might partly, if not wholly, earn their own living; while, by these very employments, and the absence of temptation, coupled with the moral and religious instruction there bestowed, they would be surrounded by the conditions best adapted to improve and renovate them.

On a review of the past year, your Agent feels more deeply than ever, the importance of his office, alike to the prisoners and the community. While, he trusts, increasing good has been done, the prospects are opening for still greater success in future.

After many efforts on his part in producing facts to the Legislature, which proved sufficient to induce the committee to frame a Bill to abolish the iniquitous system previously existing, an enactment was made, doing away with the incarceration of witnesses,—a law, which has too long disgraced the statute-books of all societies naming themselves civilized and Christian, and under whose operation

the accidental beholder of a crime committed, was often doomed to greater sufferings than the perpetrator himself.

The law enacted at the last session of the Legislature, providing for the appointment of Inspectors by the Courts, instead of their election by the people, as heretofore, has worked well. The new Board came into office on the first Monday in July. Better appointments could not have been made. They are gentlemen of sound judgment, of the highest respectability, and well-known to our citizens, and who, from their circumstances, are, it would appear, perfectly disinterested, and actuated by the purest motives. The change they have brought about, while in office, is decidedly for the better. All extravagance is done away with, and the strictest economy prevails. The selection of William B. Perkins, as the principal Superintendent, I regard as a happy circumstance for the prisoners and for the community. His long experience of twenty-six years as Deputy Superintendent, has eminently qualified him for the responsible office he now holds. That experience is now brought fully to bear, to the great satisfaction of all parties concerned; and this, too, has been done with a less number of keepers than heretofore. The great contrast between the former management of the Prison, and the present, is very striking. I now consider our *County Prison as a Model Institution* in prison discipline, with two exceptions; one is the crowded state of its cells. This is unavoidable, as the Prison is not large enough to fully carry out the law of separate confinement. The second is, that, from the imperfect construction of the Prison, in regard to its windows and pipes, the inmates are enabled to communicate freely with each other, and thus defeat, in a great degree, the law establishing separate confinement.

The present mode of heating and ventilating is satisfactory, and could not, in my judgment, be easily improved. The Prison was never cleaner or in a better condition than it is now, and the health of its inmates is good, there being little or no sickness.

The number of sentenced prisoners is less than last year, although there has been an increase of commitments,—a state of things to be accounted for by the fact that your Agent has had so large a number of cases settled without coming to trial. Had not this been done, much unmerited suffering might have taken place. Many homes might have been broken up, and their families have been thrown

upon the cold charities of the world. The timely intervention of your Agent, has, in very many instances, prevented this ruinous condition of things, and effected it too, he believes, without impairing the ends of justice. The prisoner and the prisoner have been made friends, and a good feeling brought about between them.

The moral and religious instruction on the Sabbath-day, has been placed in charge of your Agent, who is required to be present at each service. He has effected an arrangement with the Board of Local Preachers, connected with the Methodist Church, to be in attendance every Sabbath, and give to the prisoners such moral and religious instruction, as may tend to convert them to that true religion, which will lead them into the paths of virtue and happiness. All of which is done "without money and without price." This arrangement does not exclude clergymen of other denominations from officiating, whenever they desire to do so. The prisoners have expressed themselves well-pleased with this new order of things, and we have some evidence of good having been done.

It is greatly to be regretted that there is not a more ample provision made for the Insane, who are almost daily committed to Prison. It is no uncommon thing to see six or eight insane persons in Prison at a time. Their shrieks and screams are truly pitiable, independent of the great annoyance they are to the prisoners. It is almost useless to send them to the Almshouse, as many escape from the Institution as soon as we take them there. They then wander about the streets, commit some fresh depredations, are picked up and brought back into Prison, many times in a bleeding, mangled condition. When we complain to the Guardians for not protecting them, they say that there is not provision made, ample enough to enable them to retain such persons. Your Agent has done everything in his power to protect this unfortunate class of human beings.

In closing my Report, I would repeat what I have so often and under so many different circumstances declared, as my conviction, i. e., that *Intemperance* is the main source of the multiform crimes and miseries, against which we have to contend, and the fruitful cause of the filling of our Prisons,—the vast, unfathomable gulf, whose fiery billows sweep blighting and destructively across the earth, leaving desolation and ruin in their track.

Through the politeness of Dr. Henry Y. Smith, physician of the

Prison, the following extract was obtained by me from his Report to the Inspectors, which affords a strong confirmation of the views above advanced. He says—"It is a lamentable fact that so large a proportion of the commitments—11,360 of the 14,194,—or about 80 per cent, are known to be the result of intemperance."

Among the various measures proposed for remedying this evil, your Agent would suggest the establishing of a Hospital, expressly devoted to the renovation of the Intemperate. It is my belief, that inebriety is a veritable disease, as much so as lunacy or cholera. Drunkenness, when it reaches a certain point, becomes a crime; one step beyond that, insanity. It is a malady involving both soul and body; and why, then, should it not be systematically treated as such? Asylums for the Blind—for the Deaf and Dumb—for the Insane,—and even for the idiotic,—are widely established, amply endowed, and skilfully managed. But a disease, which often lays prostrate the brightest and noblest of all classes and professions, and even of both sexes, many of whom we have had under our care in Prison, is left without that curative institution, which Christian philanthropy has provided for beings but little superior to the brutes! Cannot something be done to save persons, such as are here alluded to?

Of the number of prisoners that I have had released within the year, you will perceive by calculating from the time of their discharge to the first day of the following term of the Court, that I have prevented their lying in Prison 27,472 days, or 75 years and 97 days, which somewhat exceeds twice the average time of life allotted to man.

It is not here intended to state that *some* of these parties might not have been released by their friends, yet it is confidently believed that the number who would have remained after the commencement of the term of the Court, would have exceeded, rather than diminished, the average number given.

It is, moreover, an indisputable fact, that the daily presence of your Agent in the Prison to investigate promptly each case of unjust commitment, has proved to be a salutary check upon such magistrates and prosecutors as might otherwise have been induced to improperly imprison many innocent, unoffending persons.

Your Agent has opened a Register at his office, S. W. Corner of

Fifth and Chestnut Streets, where he receives the name and residence of persons who may desire employment, and the names and residence of persons who are desirous to give employment. By this arrangement, an opportunity is afforded to discharged prisoners and others to get a living. If the Society would use its influence in facilitating this movement, great good might be done, and much want, misery and suffering prevented.

Your Agent's attention has been specially given to an investigation of the infamous practice so long prevailing among Boarding house-keepers, of shamefully plundering inoffensive sailors who land upon our shores with a pocket full of money. When it is all spent, they ship them and get their advance money, bring an exorbitant charge against them, which they refuse to pay. They then have them committed to Prison for False Pretences. When the vessel is ready to sail, they are released and sent away. By this arrangement, they succeed in getting all the money that can be got out of a sailor in a week. We have now got the decision of the Court as given by the Judge in the case of Lewis Reese, whom he ordered to be discharged, to the great satisfaction of all present. Able counsel was employed on both sides, but it availed nothing to the prosecutor.

It appears that 14,194 persons were committed to Prison during the year, out of which, but 227 were sentenced to hard labour, and 164 sentenced not to labour,—in all, 391 convicted, out of 25,385 arrests made in the City within the year.

The Mayor remarks in his Message, "That great public good would result, if some plan for punishing unimportant violations of law could be devised, other than the one at present appointed. Assaults and battery, and such like offences, constantly occurring, require some weeks to elapse between the arrest and the trial for the offence. This might be remedied, without any abridgement of either individual or constitutional rights."

All of which is respectfully submitted, together with the Journal containing a detailed account of the cases discharged through the intervention of your Agent.

I remain, Gentlemen, yours, &c.,

WM. J. MULLEN,
PRISON AGENT.

A TABLE

Showing the Number of Persons Released with the aid of the proper Authorities from the Philadelphia County Prison, from January 1st, 1856, to January 1st, 1857, by William J. Mullen, Prison Agent.

CRIMES.	JANUARY.	FEBRUARY.	MARCH.	APRIL.	MAY.	JUNE.	JULY.	AUGUST.	SEPTEMBER.	OCTOBER.	NOVEMBER.	DECEMBER.	TOTAL.
Adultery, - - - -								3			1		4
Assault and Battery, - - -	22	7	28	15	40	37	40	36	30	53	22	24	354
Absconding Apprentice, - -				1	1								2
Abuse and Threats, - - -	5	1	3	2	9	6	12	15	7	12	17	6	95
Arson, - - - - -		2		1									4
Bigamy, - - - - -						2				5			7
Burglary, - - - - -	2	1	1			1				2			7
Bastardy, - - - - -	1		2		2	3					1		9
Concealed Weapons, - - -		3		1									4
Conspiracy, - - - - -						2					8		10
Disorderly House, - - -			4		2	6	3	4			1		20
“ & Breaches of Peace,	10	6	21	13	16	23	14	35					138
Deserting his Wife, - - -			2	2	1	2	1	4	3	2	1	2	20
Forcible Entry, - - - -				1	1								2
Fornication, - - - - -	1		1								1		3
“ and Bastardy, - - -			1		1								2
Fraud, - - - - -					1								1
Fugitives from Justice, - -		1											1
False Pretence, - - - -	2	2	2				3		1		1	3	14
Forgery, - - - - -						1							1
Malicious Mischief, - - -	4	1	3	1	2	3	2		1	2	3	2	24
Misdemeanor, - - - - -	4	4	21	10	21	10	18	12	16	21	16	20	173
Mutiny, - - - - -											1		1
Murder, - - - - -		1		1				1					3
Nuisance, - - - - -	1		2	1					6	14	2		26
Perjury, - - - - -	2					1			1		3	1	8
Picking Pockets, - - - -		1			2			1					4
Passing Counterfeit Notes, -	1		2	1					1	5	2		12
Receiving Stolen Goods, - -						3		2	3				8
Riot, - - - - -	1		1					1					3
Robbery, - - - - -					3	1						2	6
Stealing or Larceny, - - -	20	22	39	24	24	38	17	33	34	25	23	16	315
Seduction, - - - - -								1					1
Trespass, - - - - -					1								1
Vagrants, - - - - -		2	2	5			2	5					16
Witnesses, - - - - -							2						2
Total, - - - - -	76	54	135	79	127	139	114	153	103	142	103	76	1301

A T A B L E

*Showing the Number of Persons Supplied with Homes and Employment, Number Committed to Prison,
Number of Days' Suffering Saved, &c., from January 1, 1856, to January 1, 1857.*

	JANUARY.	FEBRUARY.	MARCH.	APRIL.	MAY.	JUNE.	JULY.	AUGUST.	SEPTEMBER.	OCTOBER.	NOVEMBER.	DECEMBER.	TOTAL.
Number of Persons supplied with Homes and Employment, { Females Males,	0	14		10	14	12	12	10	8	12	4	14	110
Total, - - - -	2	20	6	20	26	16	16	14	10	26	22	34	212
Number Released, { Females, - Males, -	27 49	16 38	49 86	23 56	37 90	56 83	45 69	53 100	48 55	54 88	34 69	33 43	475 826
Total, - - - -	76	54	135	79	127	139	114	153	103	142	103	76	1301
Number of Days' Suffering Saved,	1785	1464	2244	1720	2179	3714	3533	3072	2318	2492	1173	1178	27,472
Amount paid for their Release. { District Attorney, Aldermen & others	\$4.88	\$2.44	\$9.88		\$4.88		\$4.88	\$2.44	\$17.38	\$20.38		\$4.88	\$62.24
Total, - - - -	\$10.88	\$7.94	\$19.63	\$6.25	\$17.38	\$3.25	\$14.28	\$27.06	\$21.38	\$38.15	\$3.50	\$11.88	\$181.58
Saved in Board, - - - -	\$313.25	\$221.63	\$402.84	\$302.58	\$372.42	\$638.62	\$615.87	\$694.67	\$439.33	\$145.40	\$209.68	\$221.09	\$4,897.38
" " Costs, - - - -	586.50	241.50	748.50	494.50	897.00	694.00	862.00	793.50	885.50	1,495.00	1,000.50	673.50	9,377.00
" " to Prisoners & Community,	1,338.75	1,098.00	1,683.00	1,207.50	1,565.25	2,689.50	2,669.75	2,768.00	1,727.00	1,869.00	879.75	883.50	20,439.00
Total, - - - -	\$2,238.50	\$1,561.13	\$2,834.34	\$2,004.58	\$2,834.67	\$4,042.12	\$4,147.62	\$4,256.17	\$3,051.83	\$3,809.40	\$2,089.93	\$1,783.09	\$34,713.38

We subjoin the admirable Law, alluded to in the Report, which abolishes the practice, that has existed from time immemorial, of imprisoning innocent persons, as witnesses. This enactment may be regarded, as the commencement of a new era in criminal jurisprudence, and approximates somewhat toward the period, when law and justice shall be identical.

“AN ACT to prevent the imprisonment of witnesses in certain cases.

“*Whereas*, Under the existing laws a practice has been adopted by judicial magistrates of committing witnesses in criminal cases, where they are willing but unable to procure bail for their attendance to testify.

And whereas, This practice is grievous and most oppressive upon the poor and innocent, and, in some instances, has subjected them to long imprisonment, and to heavier penalties than the actual offenders themselves.

And whereas, It is cruel and unjust, and contrary to the sound policy of criminal laws, that persons who have committed no offence, but who are simply called upon to establish the offence of others, should be consigned to imprisonment and exposed to disgrace.

SECTION 1.—*Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by authority of the same:* That from and after the passage of this act, no witness, in any case, who enters his or her recognizance in such sum as the magistrate may demand to appear and testify in such prosecutions as require his testimony, shall be committed to prison by the judge, magistrate or alderman, before whom any criminal charge may be preferred. *Provided however*, That in all cases—triable in Oyer and Terminer—where a positive oath is made, and reduced to writing, and signed by the deponent, setting forth sufficient reasons or facts to induce the firm belief on the part of the judge, magistrate or alderman, that any witness will abscond, elope, or refuse to appear upon the trial, that

then and in such case, the judge, magistrate or alderman may exact bail of said witness, and, in default thereof, commit the said witness to testify.

RICHARDSON L. WRIGHT,
Speaker of the House of Representatives.

WILLIAM M. PRATT,
Speaker of the Senate.

APPROVED the twenty-second day of April, one thousand eight hundred and fifty-six.

JAMES POLLOCK.

Office of the Secretary of the Commonwealth,
HARRISBURG, A. D. MAY 15TH, 1856.

Pennsylvania, ss :



I do hereby certify that the foregoing and annexed is a full, true and correct copy of the original Act of the General Assembly as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand, and caused the seal of the Secretary's Office to be affixed, the day and year above written.

A. C. CURTIN,
Secretary of the Commonwealth.